

**REMARKS**

Claims 1-10 are pending in the application.

**Rejection of claims 1-6 and 9-10 under § 103(a) over Chuah in view of Yoshii**

Claims 1-6 and 9-10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chuah et al. (US Patent Publication No. 2005/0085254) in view of Yoshii et al. (US Patent Publication No. 2005/0164740).

**Claim 1**

Applicant submits that claim 1 is not obvious over Chuah in view of Yoshii. In response to the arguments presented by the Applicant on February 9, 2009, the Examiner asserts that the features upon which applicant relies (i.e. “the case where the mobile stations have to initiate connection to signal the fact that they lie of the cell boundary would be trivial for a shared channel in a geographic zone”) are not recited in the rejection claim(s). Applicant amends claim 1 to recite an optimization process for radio resources, comprising, *inter alia*, “wherein activation and synchronization of said mobile terminals in said shared channel is carried out by said mobile terminals”. Applicant submits that such a limitation is not disclosed or suggest by Chuah in view of Yoshii.

Specifically, the Examiner concedes that Chuah fails to disclose “defining a second criterion representing a distance between the broadcast source and the mobile terminals for using a shared channel in said geographic zone and for which a reception of the broadcast service is optimal” and cites Yoshii to make up for the deficiency. Applicant, however, notes that although Yoshii proposes that the base station would offer several MBMS channels suited to different

base station distances, Yoshii does not address the case where the mobile terminals have to initiate connection to signal the fact that they lie on the cell edge, and does not allow the base station to deny mobile stations from any of the channels on offer (as would be trivial if the channels were shared). Yoshii fails to disclose or suggest that the mobile stations have to initiate activation and synchronization in a shared channel. Therefore, Yoshii merely considers a set of broadcast channels which are each optimized for different fixed distances and not per mobile station.

For at least the reasons submitted above, Applicant respectfully submits that claim 1 is patentable.

Claims 2-8, which depend from claim 1, are patentable at least by virtue of their dependencies.

Claim 9

For reasons similar to those submitted for claim 1, Applicant respectfully submits that claim 9 is patentable. Claim 10, which depends from claim 9, is patentable at least by virtue of its dependency.

**Rejection of claims 7 and 8 under § 103(a) over Chuah in view of Yoshii and further in view of Lee**

Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Chuah et al. (US Patent Publication No. 2005/0085254) in view of Yoshii et al. (US Patent

Publication No. 2005/0164740) and further in view of Lee et al. (US Patent Publication 2004/0146041).

Claims 7 and 8 which depend from claim 1, are patentable at least by virtue of their dependencies. Lee does not make up for the deficiencies of Chuah and Yoshii.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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